

**MINUTES OF THE
CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL**

August 17, 1999 -- 9:00 a.m. -- Room 416 State Capitol

Members Present:

Sen. Lyle W. Hillyard, Senate Chair
Rep. Nora B. Stephens, House Chair
Sen. Gene Davis
Rep. Trisha Beck
Rep. Matt Throckmorton

Staff Present:

Mr. Mark D. Andrews,
Research Analyst
Mr. R. Chet Loftis
Associate General Counsel
Ms. Tracey Fredman
Legislative Secretary

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. Call to Order and Approval of July 7, 1999 Minutes — Chair Hillyard called the meeting to order at 9:05 a.m.

2. Western Region Intake — Preliminary Report by the Board of Child and Family Services — Ms. Mary Noonan, Section Chief, Attorney General's Office, reported on the work of the steering committee appointed by the Board of Child and Family Services in response to the panel's request last month for the Board to study the intake process. She said the committee has met twice already and spent eight hours sorting through materials on the Western Region and other states. The committee will be meeting once each week for the next four weeks. Ms. Noonan asked that the final report be made at the October meeting rather than next month. She identified the following major themes the committee is focusing on:

- 1) putting the safety of the child and family first according to legislative mandate;
- 2) ensuring that quality information is gathered during the intake process and every step leading to decisions on whether a family assessment or Child Protective Services investigation should be done;
- 3) empowering intake workers to assess calls and make the best decisions possible;
- 4) educating and training intake workers; and
- 5) ensuring the intake process and subsequent Child Protective Service investigations or assessments have a component of prevention so that future child abuse and neglect may be avoided.

Ms. Noonan said the committee will look at research on intake in other states and will seek to understand the process throughout Utah and not just in the Western Region. Ms. Noonan explained that the committee plans to study the management information system so that it can make recommendations on modifications that will ensure adaptability to changing practices as necessary. She also said the committee is seeking to understand what criteria is used by an intake worker in the Western Region to determine whether a referral is sent down the family assessment track or the investigation track.

Chair Hillyard said that he would welcome the committee's final report in October. He asked Ms. Noonan for the committee's recommendations well in advance of the October meeting so that the committee and the general public can review them and be prepared to offer input at the appropriate time.

Chair Hillyard further commented that he would like to zero in on proposed legislation during the November meeting. He said the committee needs to first decide what the issues are so that they can be debated if changes are needed, and second, be sure that proper legislation is in place to make those changes.

Ms. Barbara Feaster introduced herself as a citizen advocate, interested in discussing the unaccepted referral policy. She explained that over the past few months she has put together a petition proposing that all referrals of child abuse be investigated.

Mr. Scott Clark, chair, Board of Child and Family Services, reiterated that the issue at hand is *how* to deploy resources and referred again to the hook and ladder fire truck analogy.

Ms. Kristin Brewer, director, Office of the Guardian Ad Litem, emphasized the importance of the *intent* of the Division of Child and Family Services (DCFS) when a referral is received — whether the intent is to: (1) get more information; or (2) screen out calls.

Chair Hillyard recommended that Ms. Feaster discuss her proposal with the Western Region or the Steering Committee. He said that if they do not agree with her proposal the panel may invite her to return at the October meeting.

3. Legislative Audit of Foster Care and Child Protective Service Cases — Mr. Mike Ely and Mr. Rick Coleman, auditors, Office of the Legislative Auditor General, distributed *A Review of the Bureau of Services Review (Report #99-05)*. Mr. Ely explained that the Bureau of Services Review (BSR) was created to monitor the child welfare case work within the Division of Child and Family Services. This is the third review of BSR samples of child welfare cases and is based on 1998 data. Mr. Ely reviewed the recommendations of the audit:

- (1) BSR should include an overall assessment of the quality of work done and decisions made on each case it reviews for compliance.
- (2) BSR should monitor the CPS intake process in future reviews and the review should include a judgement of the appropriateness of the decision to accept or reject the referral. BSR should also include an assessment of the priority assigned to accepted referrals.

- (3) BSR should continue the development and implementation of a more comprehensive review process that better measures caseworker performance and outcomes.
- (4) BSR should place more emphasis on the accuracy of review and less emphasis on the number of cases reviewed.
- (5) BSR should continue to reduce the number of items reviewed for compliance to those deemed most critical.
- (6) BSR should use the "Not Applicable" scoring option only on those requirements that do not apply to the case and are not expected to be performed by the caseworker.
- (7) BSR should continue refining and formalizing the double-read process so that information is gathered, analyzed, and used to improve the review instrument and to identify ways to improve reader training.

The panel discussed the high percentage of unaccepted referrals which occurred in one region (not identified during the meeting).

Mr. Craig Monson, director, Legal Compliance, Department of Human Services, explained that in earlier reviews the reviewer would look at the record and make a judgment. He commented that BSR is currently pilot testing a qualitative review process that involves talking to case workers, teachers, foster parents, natural parents, the child, etc., in a more expansive and extensive review effort. Mr. Monson said BSR has made a lot of changes which will more accurately reflect what is happening. He indicated that he looks forward to the next review by the legislative auditor.

The auditors indicated that their office would likely recommend to the Legislative Audit Subcommittee that this audit not be done for 1999. The auditors, department staff, and committee discussed whether a review should be conducted for 1999.

MOTION: Rep. Throckmorton moved that the panel recommend to the auditors that they recommend to the Legislative Audit Subcommittee that this audit be done for 1999. The motion passed unanimously.

Chair Hillyard recognized the presence of Ms. Pamela Atkinson, former chair of the *David C. Settlement Agreement Monitoring Panel*, and indicated that he would like to hear from her sometime.

4. Higher Education Tuition Waiver for Children in Long-term Foster Care — Rep. Richard M. Siddoway distributed copies of the draft bill *Tuition Waivers for Children in Long-Term Foster Care* (August 17, 1999). Rep. Siddoway said there currently are provisions for tuition waivers for the children of deceased firefighters and police. He explained that this bill would waive three-quarters of tuition for those young people who have been wards of the state for twenty-four months or longer.

Mr. Duane Betournay, Youth Service Specialist and Independent Living Coordinator, Department of Child and Family Services, said that every year thirty to fifty youth, mostly along the Wasatch Front, leave the system and would benefit from a tuition waiver.

Mr. Scott Clark, Chair, Board of Child and Family Services, explained that the bill is drafted so that alternative resources such as merit scholarships and Pell Grants would be looked at before the proposed waiver would be considered. He said the waiver is designed to be a backstop. He also said that many students would choose community colleges or technical centers for their post secondary education.

The committee discussed how the waiver would be funded, to whom it would apply, and whether help should be extended only to children in the custody of the state or to disadvantaged children generally

5. Review of Selected Child Welfare Appropriations, FY 95 Through FY 00 — Mr. Steve Jardine, Human Services Analyst, Governor's Office of Planning and Budget, referred to the handout *Increase in Appropriations for Child Welfare*. He explained that it shows the money the Legislature appropriated over the past six years and for what it was intended. He said that he doesn't think there is a material difference between what was appropriated and what has been spent.

Mr. Jardine also referred to an additional handout, *Resource Requirements Identified for David C. Settlement Agreement and Child Welfare Reform Act*, dated August 10, 1999.

Chair Hillyard asked whether it would make sense as the state shifts its focus more to child welfare *outcomes* to also shift some of the appropriations away from compliance. Senator Davis emphasized the need to also look at the expenditures made by local government.

6. Follow-up on Recommended Changes to Adoption Statute — Not discussed.

7. Update on *The Performance Milestone Plan* — Mr. Ken Patterson, director, DCFS, reported that the final *Performance Milestone Plan* was sent to Judge Campbell on May 1, 1999. He said that no further instruction or pleadings by either party have been received.

Mr. Patterson said that the proposal for a training organization to come in and train the staff according to the practice model is moving forward rapidly. He also spoke briefly about Milestone 9 which talks about creating Regional Quality Improvement Committees. He reported that those committees were appointed in July, and by October 1 they expect to see a draft Quality Improvement Plan from each region.

8. Review of Child Welfare Measures — Mr. Andrews distributed charts showing the number of children in the custody of DCFS. He reported that two months ago June numbers showed a big increase and it was surmised by the Department of Human Services that this was probably due to summer vacation. Mr. Andrews indicated that this month's numbers for July and August seem to bear that out. The numbers have leveled off but continue to be high.

9. Interim Planning — The next meeting will be Tuesday, September 14, 1999 at 1:00 p.m.

10. Adjourn — The meeting was adjourned at 10:45 a.m.

